

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

EBONY HAYS, et al.,

*

Plaintiffs,

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v.

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CIVIL NO. JKB-24-3306

LRW TRAFFIC SYSTEMS LLC, et al.,

*

Defendants.

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MEMORANDUM AND ORDER

Plaintiffs Ebony Hays, Dontay Burrell Jr., David Robinson, Shawn Morsley, Christopher Meador Jr., Derrick Carter, Marco Holland, Craig Macklin, and Taoreed Street have filed suit against LRW Traffic Systems LLC (“LRW”), Robert Scott-Coples, Stella May Contracting, Inc. (“SMC”), and B. Frank Joy, LLC (“BFJ”).

Currently pending before the Court is a Consent Motion seeking various forms of relief. (ECF No. 64.) The Consent Motion seeks: (1) leave for Plaintiffs to file a Second Amended Complaint; (2) a stay of proceedings pending mediation; and (3) for the Court to allow three pending motions to dismiss to be deemed to apply to this Second Amended Complaint. (*Id.*) The Motion will be granted in part and denied in part.

Given that no party objects to the filing of the Second Amended Complaint, the Court will grant leave to file it. Fed. R. Civ. P. 15(a)(2) (“[A] party may amend its pleading only with the opposing party’s written consent or the court’s leave. The court should freely give leave when justice so requires.”).

The Court will also grant a stay of the proceedings pending mediation. The parties explain that they “have agreed to participate in a mediation to be conducted by Judge William Connelly

(Ret.) pending LRW's production of informal discovery to assess potential liability and damages. The mediation date is scheduled for May 13, 2025." (ECF No. 64 at 2.) They report that they "hope to successfully resolve their disputes in the mediation. Whether they will succeed or not is presently unknowable. They agree, however, that the financial cost associated with continued litigation of both pending and planned motions and other tasks will adversely affect the potential resolution of the claims in mediation." (*Id.* at 3.) The Court agrees that a stay is appropriate to allow the parties to focus their resources on mediation.

However, Court will deny the parties' request for the Court to hold other pending motions in abeyance, particularly given the upcoming mediation. There are currently five other pending motions: Plaintiffs' Motion for Conditional Certification of Collective Action and Court-Approved Notice Under the FLSA (ECF No. 17); three Motions to Dismiss (ECF Nos. 26, 43, 47); and BFJ's Consent Motion for an Extension of Time (ECF No. 63). The Court will grant the Motion for Extension of Time, given that BFJ has already filed the relevant document. But the Court will deny the remaining pending motions without prejudice, in the interest of efficiently managing its docket and accounting for possible intervening changes in the parties' positions as a result of the mediation and the informal discovery in which they are engaging. To the extent that mediation is unsuccessful—in whole or in part—the parties may renew their motions or file answers.¹

Accordingly, it is ORDERED that:

1. The Consent Motion (ECF No. 64) is GRANTED IN PART and DENIED IN PART.

It is granted insofar as it seeks the Court's leave to file a Second Amended Complaint and insofar as it seeks a stay of the deadlines in this case pending mediation. It is

¹ The parties are of course free to file the same motions to the extent they continue to be applicable post-mediation. Further, the parties are welcome to file their responses and replies expeditiously after any such renewed motions are filed such that the motions will be ripe for resolution quickly.

denied insofar as it requests that any pending motions apply to the Second Amended Complaint.

2. The Clerk is DIRECTED to docket the Second Amended Complaint (ECF No. 64-2).
3. The Motion for Extension of Time (ECF No. 63) is GRANTED.
4. The following motions are DENIED WITHOUT PREJUDICE: (1) Plaintiff's Motion for Conditional Certification of Collective Action (ECF No. 17); (2) SMC's Motion to Dismiss (ECF No. 26); (3) Scott-Coples and LRW's Motion to Dismiss (ECF No. 43); and (4) BFJ's Motion to Dismiss (ECF No. 47).
5. The parties are DIRECTED to file a Joint Status Report by May 20, 2025 advising the Court of the status of the case.
6. The parties are DIRECTED to file any renewed motions, or to file answers to the Second Amended Complaint, by June 3, 2025. Similarly, LRW is DIRECTED to respond to SMC's crossclaim by June 3, 2025.

DATED this 6 day of March, 2023.

BY THE COURT:



James K. Bedar
United States District Judge